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Sixty-fifth session

Request for the inclusion of a supplementary item in the agenda of the sixty-fifth session

Investigation into the invasion of Iraq

Letter dated 29 July 2010 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the sixty-fifth session of the General Assembly of a supplementary item entitled "Investigation into the invasion of Iraq".

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are attached.

It would be appreciated if the present letter and its annexes could be circulated as a document of the General Assembly.

(*Signed*) Abdurrahman M. **Shalgham**
Ambassador
Permanent Representative

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Annex I

[Original: Arabic]

Explanatory memorandum

The preamble to the Charter of the United Nations made it a primary objective of the peoples of the United Nations to save current and succeeding generations from the scourge of war. For that end, the Charter prohibits any use of armed force save in the common interest of those people.

However, numerous countries and peoples have endured foreign invasion since the establishment of the United Nations. Millions have suffered the use of force, genocide, arrest and execution. Those acts were never the subject of an international investigation in accordance with accepted standards.

Iraq and its people have been the victims of horrific actions in flagrant violation of the purposes and principles of the Charter of the United Nations, the provisions of which on the topic are clear. The excuses for the invasion, illegal occupation, slaughter of hundreds of thousands of citizens, displacement of millions of others and destruction of infrastructure were unconvincing; indeed, they have proved to be invalid and incorrect.

Those acts undermined the peace and security of Iraq and its people, and constituted blatant interference in the country's internal affairs. The execution by invading troops of Iraqi civilians and military personnel, including the President of Iraq, Saddam Hussein, contravened the four Geneva Conventions in that those individuals were prisoners of war. The inhuman acts which took place at Abu Ghraib prison were contrary to international human rights instruments and norms.

For the sake of present and future generations, it is therefore necessary to ensure accountability for past actions through concerted action under the aegis of the United Nations and, in particular, the General Assembly, which is the Organization's chief representative, deliberative and policymaking body and the forum in which all international issues are considered. First and foremost among those issues are the maintenance of peace and security and prevention of any action that breaches the peace of a Member State or intervenes in matters that are essentially within its essential jurisdiction.

These considerations highlight the urgent need to prosecute and punish those who caused the invasion of Iraq and put an end to their impunity, thereby enforcing the norms and principles of international law and upholding justice and the rule of law. The attached draft resolution is intended to ensure that the General Assembly fulfils its responsibilities by rejecting and condemning the invasion of Iraq as contrary to the principles, purposes and provisions of the Charter and international instruments. The draft resolution identifies the invasion of Iraq as an illegal act and affirms the need to prosecute those behind the invasion and the destruction of that country. In order to realize that objective, the text provides for the establishment of an international investigative panel in order to examine the causes underlying the invasion, the mass killings and the execution of Iraqi prisoners and, in particular, the President of Iraq, Saddam Hussein. The draft resolution also requests all States to end their military presence in Iraq, which has no basis in international law.

Annex II

[Original: Arabic]

Draft resolution
Investigation into the invasion of Iraq

The General Assembly,

Recognizing that the Charter of the United Nations made it a primary objective to save current and future generations from the scourge of war,

Noting that, since the establishment of the United Nations, numerous sovereign States have endured foreign invasion, leading millions to suffer the use of force, genocide, imprisonment and execution, none of which has been the subject of an international investigation in accordance with accepted standards,

Noting that the information presented in order to justify the invasion of Iraq was unconvincing and has proved to be invalid and incorrect,

Recalling that the military invasion and occupation of Iraq led to the deaths of hundreds of thousands of its citizens, displaced millions and destroyed the infrastructure of the country,

Reaffirming the role of the United Nations in maintaining international peace and security, and the need for Member States to refrain from any action that threatens or breaches the peace or constitutes an aggression against another State by intervening in matters which are essentially within the domestic jurisdiction of that State,

Recognizing that acts of aggression, wars and interference in internal affairs must be investigated, and the perpetrators held accountable,

Considering that the invasion and occupation of Iraq constitute illegal acts, a form of genocide and a contravention of the Charter of the United Nations and international instruments and norms,

Recognizing that, by executing Iraqi civilians and military personnel, including the President of Iraq, Saddam Hussein, the invading troops contravened the four Geneva Conventions in that those individuals were prisoners of war,

Recalling that the inhuman acts that took place in Abu Ghraib prison contravened and flagrantly violated international human rights instruments,

1. *Reaffirms* that the invasion of Iraq constituted an illegal act;

2. *Calls for* the prosecution of those behind the invasion and destruction of Iraq;

3. *Decides* to establish an international investigative panel to investigate the causes behind the invasion of Iraq, the mass killings and the execution of Iraqi prisoners of war and, in particular, the President of Iraq, Saddam Hussein;

4. *Requests* all States to end their military presence in Iraq because it has no legal basis.